

REMARKS

Reconsideration and allowance of the subject application in view the foregoing amendments and the following remarks is respectfully requested.

Claims 1-30 remain pending in the application. Applicant appreciatively notes that claims 18, 21 and 22 are allowed and that claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Claims 1-3, 5-7, 14-16, 19, 23 and 25-26 are rejected under 35 USC 103(a) as being unpatentable over Xu et al. (U.S. 6,401,027) in view of Holland (U.S. 6,321,091). Applicant respectfully traverses this rejection.

Regarding claims 1 and 14, Applicant has been unable to find any disclosure in Holland of communicating the first and second locations of the vehicle to a remote location and first and second frequencies with the second frequency different from the first frequency.

As discussed in the present application on page 5:

"Depending upon the application, it may be desirable for the triggering device to transmit data when a street address changes or when the vehicle arrives at a particular street address shown on the display 24 in Figure 2. One aspect of the invention is suppressing communication of the vehicle location when the road that the vehicle is traveling on will not provide significant information. For example, when the vehicle is travelling along a freeway and turns on a ramp to exit to a street, communication of data will be suppressed while the vehicle is traveling along the ramp because communicating vehicle location data while travelling along the ramp is unlikely provide useful information."

By contrast, in Holland, "The rate at which the locator device periodically transmits its positional data varies according to the rate locator device changes its physical position." (col. 2, lines 33-35). Nothing in Holland suggests suppressing communication. The fact that the rate changes dependent upon the rate of vehicle movement is significantly different than suppressing communication because the transmission of the third location should be kept low by suppressing the communication when no relevant information can be gathered. For least these reasons, independent claim 1 should be allowable over this combination of references.

Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Xu et al. and Holland and further view of Novik (U.S. 6,339,745) . Applicant respectfully traverses this rejection.

Novik does not overcome the deficiencies discussed above with respect to Xu et al. and Holland. Claim 8 is dependent upon claim 1 and should be allowable for at least the reasons discussed above with respect to claim 1. Accordingly, this rejection should be withdrawn.

Claims 9-13 and 24 rejected under 35 USC 103(a) as being unpatentable over Zijderhand (U.S. 5,598,167) in view of Adolph (U.S. 6,356,836) and Holland. Applicant respectfully traverses this rejection.

The Examiner stated that Zijderhand discloses location transmitted based on location. Applicant strenuously disagrees. Zijderhand does not disclose transmitting location position based on location, but rather based on other triggers. The discrete internal changes of status of the vehicle in Zijderhand can be one of various categories. Disclosed in Zijderhand are the length of road driven, a deviation from an expectation with respect to temporal or spatial parameters of the route, or to a change in the actual physical situation of the vehicle itself (col. 2, lines 27-31). Zijderhand also discloses changes of status of the vehicle as pertaining to the navigation as detected by the central processor 58 (col. 3, lines 54-58). Other examples disclosed in Zijderhand are a predetermined distance has been covered, the vehicle deviates by more than a threshold amount from a route that has been planned by the local vehicle system or by the central station, the expected time of arrival or any of the intermediate passage instants has changed by more than a threshold amount, or the vehicle travels along a road element with a traversal time that is sufficiently different from expected, as through traffic stoppage. Although Zijderhand discloses many triggers for triggering location information, none is the same as recited in the claims of the present invention.

Further, regarding claim 9, Applicant has been unable to find any disclosure in Holland of communicating the first and second locations of the vehicle to remote location and first and second frequencies with the second frequency different from the first frequency.

For the reasons discussed above, claims 9-13 and 24 should be allowable and the rejection should be withdrawn.

Claims 4 and 17 are rejected under 35 USC 103(a) as being unpatentable over Xu et al. and Holland and further view of Zijderhand. Applicant respectfully traverses this rejection.

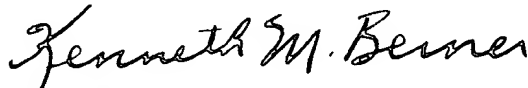
Zijderhand does not overcome the deficiencies discussed above with respect to Xu et al. and Holland. Claims 4 and 17 are dependent upon claims 1 and 14, respectively, and should be allowable for at least the reasons discussed above with respect to claims 1 and 14. Accordingly, this rejection should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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